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8 Attorneys for Defendant
9 HERBERTH NOEL AYALA

10 United States District Court
11 Northern District of California

12 UNITED STATES OF AMERICA,) CR No. 3:13-CR-00030-RS-1
13 Plaintiff,)
14 v.) STIPULATION AND ~~PROPOSED~~ ORDER
15 HERBERTH NOEL AYALA,) CONTINUING SENTENCING HEARING AS
16 Defendant.) TO DEFENDANT HERBERTH NOEL AYALA
17 _____)

18 Defendant HERBERTH NOEL AYALA, by and through his counsel
19 undersigned, the United States of America, through Assistant United
20 States Attorney LAURA ELIZABETH VARTAIN HORN, and the United States
21 Probation Office, through U.S. Probation Officer INSA AMINA BEL'OCHI,
22 hereby stipulate and respectfully request that the Court vacate the
23 Sentencing Hearing in the above-captioned case, currently set for
24 Tuesday, December 17, 2013, at 02:30 p.m., and reset it for Tuesday,
25 February 4, 2014, at 02:30 p.m.

26 This is the parties' second request to continue the Sentencing
27 Hearing as to Defendant Ayala (Dkt. 24). The parties last appeared
28 before the Court on July 9, 2013, when the change of plea was entered
as to defendant Ayala (Dkt. No. 22).

1 U.S. Probation Officer Insa Amina Bel'Ochi visited Defendant
2 Ayala in custody and concluded the probation interview on Friday,
3 August 30, 2013. At that time Ms. Bel'Ochi represented to the
4 parties she would require a substantial amount of time to draft and
5 then finalize the presentence report.

6 Ms. Bel'Ochi has requested additional time.

7 The parties stipulate to further continue the Sentencing Hearing
8 on this matter at the request U.S. Probation Officer Insa Amina
9 Bel'Ochi for additional time to complete the Proposed Presentence
10 Report for disclosure to the parties.

11 The requested continuance is necessary to allow for the Proposed
12 Presentence Report to be completed and disclosed to all parties
13 pursuant to Fed. R. Crim. P. 32(b)(6), and to allow the parties
14 reasonable time to thoroughly review the proposed report and submit
15 their written responses pursuant to Crim. L.R. 32-4(b).

16 For the above-stated reasons, the Defendant, defense counsel,
17 and the government stipulate and respectfully request that the Court
18 vacate the Sentencing Hearing currently set for Tuesday, December 17,
19 2013 and reset it for Tuesday, February 4, 2014, at 2:30 p.m.

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21 **IT IS SO STIPULATED.**

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23 Respectfully submitted,

24 DATED: December 4, 2013

25 /s/ ACB
ANNE CATHERINE BELES,
Attorney for HERBERTH N. AYALA

26 DATED: December 4, 2013

27 /s/ ETP
EMILIO TOMAS PARKER,
Attorney for HERBERTH N. AYALA

1 DATED: December 4, 2013

/s/ IAB_____
INSA AMINA BEL'OCHI
U.S. Probation Officer

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4 DATED: December 4, 2013

/s/ LEVH_____
LAURA ELIZABETH VARTAIN HORN,
Assistant U.S. Attorney

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MELINDA HAAG
United States Attorney

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11 IT IS SO ORDERED.

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13 DATED: 12/10/13

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HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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